

**DEPARTMENT OF
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To: All FS Manual Holders

From: Tammy Poppe, Food Stamp Program Officer
Public Assistance Bureau

Subject: Bulletin FS 58

Please remove Bulletin FS 56 and place this bulletin at the beginning of section FS 301-2.

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SECTION: Nonfinancial Criteria

SUBJECT: Eligible Alien Status

REFERENCES: Public Law 110-161, the Consolidated Appropriations Act of 2008 and the National Defense Authorization Act for Fiscal Year 2008

EFFECTIVE DATE: Upon Receipt

INTRODUCTION: Contact Carol Carpenter if an Iraqi or Afghani Special Immigrant applies for Public Assistance. She is the Refugee Coordinator and will assist you.

New guidance from the Food and Nutrition Service (FNS) was received after Bulletin FS 56 was released. This bulletin includes the new guidance and replaces Bulletin FS 56.

Iraqi Special Immigrants

Although Iraqi special immigrants were also eligible under Public Law 110-161 of The Consolidated Appropriations Act of 2008, Public Law 110-181, The National Defense Authorization Act for Fiscal Year 2008 (that includes Section 1244, Special Immigrant Status for Certain Iraqis), effectively extended program eligibility to affected Iraqi aliens for a period not to exceed eight months. This provision became law on January

28, 2008, and is in effect for five fiscal years, for FY 2008 through FY 2012.

Afghani Special Immigrants

Effective December 26, 2007, Public Law 110-161, The Consolidated Appropriations Act of 2008, granted certain Afghani aliens special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (INA). Adult individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits to the same extent as are refugees admitted under section 207 of the INA, except the period of eligibility cannot exceed six months.

This provision is part of an appropriations bill and is in effect through the end of the fiscal year (September 30, 2008). Nonetheless, historically such appropriation bills remain in effect after the end of the fiscal year through continuing resolutions and it is anticipated that it will be extended. FNS will notify interested parties if this provision is not extended or if there are any changes in the law that affects the eligibility of Afghani special immigrant households.

If it is discovered or you become aware of any special immigrants who were denied prior to this Bulletin being issued, the denial should be reconsidered using this current policy.

POLICY CHANGE:

Verification of Special Immigrant Status

For Food Stamp Program, Iraqi and Afghani aliens and family members who claim special immigrant status must provide verification that they have been admitted under section 101(a)(27) of the INA. States may access Office of Refugee Resettlement (ORR) policy for examples of acceptable documentation of immigrant status, through ORR's State Letters #08-04 and #08-06 at:

<http://www.acf.hhs.gov/programs/orr/policy/stltrs08.htm>

Certification Periods and Time Limits

Iraqi Special Immigrants

Adult Iraqi special immigrants can receive up to eight months of food stamps from the date they are granted special immigrant status. Because most adult Iraqi special immigrants will apply sometime after they have been granted status, the period of eligibility could be eight months or less, as the following illustrates:

Granted Special Immigrant Status	8 Month Eligibility End Date	Date of Food Stamp Application	Date of Eligibility/Certification Period
September 10, 2007	April 30, 2008	December 17, 2007	5 months—from December 26, 2007 through April 30, 2008 (household is ineligible prior to the effective date of the law).
January 26, 2008	August 31, 2008	March 31, 2008	6 months—from March 31, 2008 through August 31, 2008.
August 1, 2008	March 31, 2009	August 15, 2008	8 months—from August 15, 2008 through March 31, 2009.

Afghani Special Immigrants

Adult Afghani special immigrants can receive up to six months of food stamps from the date they are granted special immigrant status. Because most adult Afghani special immigrants will apply sometime after they have been granted status, the period of eligibility could be six months or less, as the following illustrates:

Granted Special Immigrant Status	6 Month Eligibility End Date	Date of Food Stamp Application	Date of Eligibility/Certification Period
October 11, 2007	March 31, 2008	December 17, 2007	4 months—from December 26, 2007 through March 31, 2008 (household is ineligible prior to the effective date of the law).
February 26, 2008	July 31, 2008	March 31, 2008	5 months—from March 31, 2008 through July 31, 2008.
August 1, 2008	January 31, 2009	August 15, 2008	6 months—from August 15, 2008 through January 31, 2009.

Please contact your Regional Policy Specialist if you have questions or concerns about this policy.